



**CITY PLAN COMMISSION MEETING  
2<sup>ND</sup> FLOOR CITY COUNCIL CHAMBERS  
MARCH 8, 2012  
1:30 P.M.**

**MINUTES**

The City Plan Commission met at the above place and date.

The meeting was called to order at 1:30 p.m. Commissioner Nance present and presiding and the following Commissioners answered roll call.

**COMMISSIONERS PRESENT:**

Commissioner De La Cruz  
Commissioner Wright  
Commissioner Carreto  
Commissioner Nance  
Commissioner Vorba  
Commissioner Schauer

**COMMISSIONERS ABSENT:**

Commissioner Borden  
Commissioner Brandrup  
Commissioner Landeros

**AGENDA**

Commissioner Vorba read the rules into the record. Philip Etiwe, Development Review Manager, read the revisions to the agenda into the record.

**\*ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto, and unanimously carried to **APPROVE** the agenda as amended.

**AYES:** Commissioner De La Cruz, Wright, Carreto, Vorba, and Schauer

**ABSENT:** Commissioner Borden, Brandrup, and Landeros

Motion passed.

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Commissioner Nance introduced Mr. David Schauer who was appointed as a new Commissioner for District 6.  
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**I. CALL TO THE PUBLIC – PUBLIC COMMENT**

This time is reserved for members of the public who would like to address the City Plan Commission on any items that are not on the City Plan Commission Agenda and that are within the jurisdiction of the City Plan Commission. No action shall be taken.

**NO ACTION WAS TAKEN.**

Philip Etiwe noted that Melissa Granado will no longer be working for the City of El Paso. The Commission thanked Ms. Granado for a great job and wished her the best in her new endeavor.

Ms. Granado noted that she will be moving to Boston and that her ultimate goal is to go back to school. She thanked the Commission for their motivation and mentorship.

**II. CONSENT AGENDA**

**ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA AND REGULAR AGENDA - DISCUSSION AND ACTION**, unless otherwise noted. (Items approved, postponed, or deleted pursuant to the **CONSENT AGENDA AND REGULAR AGENDA - DISCUSSION AND ACTION** vote will be shown with an asterisk {\*}).

**Extension Request to Submit Recording Maps:**

1. **SUSU12-00014:** Americas Estates Unit Two Subdivision – Being a portion of W.J. Rand Survey No. 315 1/2, El Paso County, Texas  
Location: East of Joe Battle Boulevard and North of Eastlake Boulevard  
Property Owner: Northtowne Village Joint Venture  
Representative: CEA Group  
District: ETJ  
Staff Contact: Nathaniel Baker, (915) 541-4931, [bakernt@elpasotexas.gov](mailto:bakernt@elpasotexas.gov)

**\*ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Carreto, and unanimously carried to **APPROVE SUSU12-00014**.

Motion passed.

**III. REGULAR AGENDA - DISCUSSION AND ACTION:**

**PUBLIC HEARING Rezoning Application:**

2. **PZRZ12-00001:** Tracts 9A1, 9A1A and 9A2, Block 79, Section 32, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas  
Location: South of Montana Avenue and West of Dominican Street  
Zoning: R-3 (Residential)  
Request: From R-3 (Residential) to C-4 (Commercial)  
Existing Use: Vacant  
Proposed Use: Large contractor yard  
Property Owner: Acala Investments, LLC  
Representative: Ray Mancera  
District: 5  
Staff Contact: Michael McElroy, (915) 541-4238, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)

Michael McElroy, Planner, gave a brief presentation and noted that staff is recommending denial of the rezoning request from R-3 (Residential) to C-4 (Commercial) based on the incompatibility with the surrounding residential uses. In addition, the request is incompatible with the 2025 projected Land Use Map which calls for mixed use.

Ray Mancera representing the owner stated that he disagrees with staff and with the Department of Transportation's comments. However, he agrees with comments made from the other departments. He noted that this property has limited uses because of the unusual configuration of the property.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request.

The following person spoke in opposition this request.

- (Gentleman, did not state his name) requested additional information and spoke in opposition to this request.
- Elizabeth Rodriguez expressed safety concerns regarding traffic and spoke in opposition to this request.
- Rosa (did not state her last name) expressed safety concerns regarding traffic and also spoke in opposition to this request.
- Pedro Diaz suggested that a sidewalk be placed on Montana for the safety of the community.

Mr. Mancera noted that he is willing to meet with the residents in that community to try and answer any questions they may have.

Lupe Cuellar, Assistant City Attorney, noted that this is part of the Montana Rapid Transit Corridor System. The Plan for El Paso has specific design criteria recommendations that have not yet been adopted. Based on the design guideline criteria, a C-4 (Commercial) zone is not one of the uses that will be recommended for this corridor.

**ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba, and carried to **DENY A C-4 (COMMERCIAL) ZONE.**

**AYES:** Commissioner De La Cruz, Wright, Vorba, and Schauer

**NAYS:** Commissioner Carreto

**ABSENT:** Commissioner Borden, Brandrup, and Landeros

Motion passed.

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**PUBLIC HEARING Special Permit Application:**

3.     **PZST12-00001:**       Lots 4 through 24, Block 36, Sandstone Ranch #8, City of El Paso, El Paso County, Texas  
          Location:           North of Marcus Uribe Drive and West of Sean Haggerty Drive  
          Zoning:            R-5 (Residential)  
          Request:           Reduction in setback and cumulative  
          Existing Use:       Vacant  
          Proposed Use:      Single family housing  
          Property Owner:   Northtowne Village Joint Venture  
          Representative:   CAD Consulting  
          Staff Contact:     Michael McElroy, (915) 541-4238, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)

Enrique Ayala with CAD Consulting concurred with staff's comments.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request.

The following persons spoke in opposition to this request.

- Carla Pool spoke against this request. She thought that the yard setbacks on her property would be reduced.

- Pilar Barrero requested additional information and noted that she also thought that the yard setbacks on her property would be reduced.

Art Rubio, Planner, translated for Ms. Barrero who spoke very little English and clarified to both Ms. Pool and Ms. Barrero that this would not affect their property at all but would only affect the adjacent property.

**ACTION:** Motion made by Commissioner Vorba, seconded by Commissioner De La Cruz, and carried to **APPROVE PZST12-00001.**

**AYES:** Commissioner De La Cruz, Wright, Vorba, and Schauer

**NAYS:** Commissioner Carreto

**ABSENT:** Commissioner Borden, Brandrup, and Landeros

Motion passed.

## **SUBDIVISION MAP APPROVAL:**

### **Subdivision Applications:**

#### **Major Combination:**

4. **SUSU12-00007:** Rio Valley Subdivision – A 60.46 acre subdivision located within Tract 5, Block 14, Upper Valley Surveys, City of El Paso, El Paso County, Texas  
 Location: West of Westside Drive and North of Borderland Road  
 Property Owner: Rio Valley, LLC  
 Representative: Summit Engineering  
 District: 1  
 Staff Contact: Justin Bass, (915) 541-4930, [bassjd@elpasotexas.gov](mailto:bassjd@elpasotexas.gov)

Justin Bass, Planner, noted that there is a revised staff report.

Greg Gardner, representing the developer on this project, concurred with staff's comments. Although this development is not zoned Smart Growth, while doing the layout on this development, they tried to incorporate as many of the Smart Growth items as they could into the design.

**ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Carreto, and unanimously carried to **APPROVE SUSU12-00007 WITH ALTERNATIVE DESIGN APPROVAL AND WITH THE CONDITION THAT LANDSCAPING BE PROVIDED ALONG THE DOUBLE FRONTAGE LOTS.**

Motion passed.

5. **SUSU12-00015:** Enchanted Hills Unit Three - Being a portion of Tracts 8, 9C and 9A, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas  
 Location: North of Transmountain Road and East of I-10  
 Property Owner: El Paso Transmountain Residential, L.L.C.  
 Representative: Roe Engineering, L.C.  
 District: 1  
 Staff Contact: Kevin Smith, (915) 541-4903, [smithkw@elpasotexas.gov](mailto:smithkw@elpasotexas.gov)

Bradley Roe with Roe Engineering concurred with staff's comments.

**ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU12-00015 WITH GENERAL MODIFICATION 19.04.070.A.3 OF THE CITY CODE; WITH THE CONDITION THAT ENCHANTED HILLS UNIT ONE BE RECORDED PRIOR TO OR**

CONCURRENTLY WITH ENCHANTED HILLS UNIT THREE; THAT LANDSCAPING BE PROVIDED ALONG THE DOUBLE FRONTAGE LOTS AND THAT THIS BE COORDINATED WITH THE DEPARTMENT OF TRANSPORTATION.

Motion passed.

**PUBLIC HEARING Alley Vacation:**

6. **SURW12-00001:** Gateway West Alley Vacation – Being a portion of a 15 foot alley, Block 61, Supplemental Map No. 1 of East El Paso, City of El Paso, El Paso County, Texas
- Location: North of Gateway West and West of Copia Street
- Property Owner: City of El Paso
- Representative: Sitework Engineering, LLC.
- District: 8
- Staff Contact: Justin Bass, (915) 541-4930, [bassjd@elpasotexas.gov](mailto:bassjd@elpasotexas.gov)

Jorge Garcia with Sitework Engineering concurred with staff's comments.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

**ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Carreto, and unanimously carried to **APPROVE SURW12-00001.**

Motion passed.

**RECESS:**

**ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **RECESS THE CITY PLAN COMMISSION MEETING AT 3:05 P.M.**

Motion passed.

**RECONVENE:**

**ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **RECONVENE THE CITY PLAN COMMISSION MEETING AT 3:10 P.M.**

Motion passed.

**Other Business:**

7. Discussion and action on the City Plan minutes for:  
February 23, 2012

**ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE THE CITY PLAN COMMISSION MINUTES OF FEBRUARY 23, 2012, WITH THE CORRECTION ON THE NAMES OF THE COMMISSIONERS WHO MADE AND SECONDED THE MOTION ON ITEM PZRZ12-00001.**

Motion passed.

8. Discussion and action on an ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.050 (Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities) and Chapter 19.15 (Roadways), Section 19.15.050 (General Requirements) of the El Paso City Code to allow for the Waiver of the Dedication or Improvements of Adjacent Substandard Roads when Specific Criteria are met. The Penalty is as provided in Chapter 19.42 of the City of El Paso City Code.  
Staff Contact: Kimberly Forsyth, (915) 541-4668, [forsythkl@elpasotexas.gov](mailto:forsythkl@elpasotexas.gov)

Kimberly Forsyth, Lead Planner, gave a summary of the Amendment to Title 19. This would provide for two exceptions to the current requirements for street improvements and dedications. She noted that the City Plan Commission could waive the requirements or choose not to waive them. She gave some examples where this exception could be used.

- Where fifty percent of the lots or more within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood; or, (2) For plats in the ETJ, outside the city limits and not in the City's annexation path where we have received written documentation from the County of El Paso that the substandard growth meets county, and that the County is willing to accept the dedication of the substandard road.
- For all plats located in the City of El Paso's Extraterritorial Jurisdiction area, written concurrence from the County of El Paso is required prior to the waiver of any dedication and/or improvements. The following words were added to Section 19.15.050 (Street ROW Dedication). "**...in accordance with Section 19.10/050.A.1.a, b, or c**".

It was requested that this item be postponed for two weeks to allow Commissioners to send amendments to Ms. Forsyth and for her to incorporate these amendments and bring back to the Commission with a recommendation.

**ACTION:** Motion made by Commissioner Carreto, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE THIS ITEM FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF MARCH 22, 2012.**

Motion passed.

9. Plan El Paso Adoption Process Update.  
Staff Contact: Carlos Gallinar, (915) 541- 4662, [gallinarcc@elpasotexas.gov](mailto:gallinarcc@elpasotexas.gov)

Carlos Gallinar, Comprehensive Plan Manager, gave an update on the adoption of the Comprehensive Plan for El Paso. He noted that the Comprehensive Plan was unanimously adopted by City Council. He thanked Dover Kohl & Partners for the excellent and professional work they did during the process of establishing the Comprehensive Plan for El Paso. He also thanked Mr. McElroy, Mr. Lopez, and staff for all their assistance. He distributed a memo which outlined the final revisions made to the Comprehensive Plan El Paso. He noted that the final copy will be available within approximately two or three weeks. Staff will review the final draft to make sure all comments agreed on are incorporated. A final copy will be distributed to each Commissioner.

**NO ACTION WAS TAKEN.**

Mr. Nance requested that staff look into the possibility of obtaining parking tags for the Commissioners. Mr. Etiwe will follow-up with OMB and see what he can do.

10. Discussion and action on an ordinance amending Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.070 (Registration and Certificate of Occupancy Required) of the El Paso City Code, to revise the requirements to register a nonconforming building or use. The penalty is as provided for in Chapter 20.24 of the El Paso City Code  
Staff Contact: Linda Castle, (915) 541-4029, [castlelj@elpasotexas.gov](mailto:castlelj@elpasotexas.gov)

**\*ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto, and unanimously carried to **POSTPONE ITEM 10, DISCUSSION AND ACTION ON AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTION 20.22.070 (REGISTRATION AND CERTIFICATE OF OCCUPANCY REQUIRED) OF THE EL PASO CITY CODE, TO REVISE THE REQUIREMENTS TO REGISTER A NONCONFORMING BUILDING OR USE, FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF MARCH 22, 2012.**

Motion passed.

11. Planning Report:  
N/A

12. Legal Report:  
Discussion on City Plan Commission authority,

Lupe Cuellar, distributed a one page document outlining the different cases and agenda items that are presented to the Commission and their authority in reference to those specific items. Ms. Cuellar provided legal guidance and answered questions from the Commission.

It was requested that an item be placed on the next City Plan Commission agenda regarding making a change to the by-laws giving the Chair the availability to vote.

It was also requested that staff provide a list to the Commission of all the zoning requests approved by the Commission or those zoning requests denied by the Commission and approved at City Council.

#### **ADJOURNMENT:**

Motion made by Commissioner Vorba, seconded by Commissioner Carreto, and unanimously carried to adjourn this meeting at 3:45 p.m.

Approved as to form:

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Mathew McElroy, Executive Secretary, City Plan Commission